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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

TOSHIO MATSUMURA ET AL

Ser. No.: 09/594,324

Filed: June 15, 2000

) FILTER FOR REMOVING CONTAMI-  
) NANTS FROM WATER AND METHOD  
) OF FORMING THE FILTER

) Examiner I. Cintins

) Art Unit 1724

SUBMISSION AFTER FINAL ACTION

Commissioner for Patents  
Washington, D.C. 20231  
Sir:

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On September 5, 2002, Amendment "A" was submitted herein. Amendment "A" was prepared after an in-person interview between the undersigned and Examiner Cintins on April 11, 2002. During that interview, the rejection of all pending claims was discussed, as was U.S. Patent No. 5,882,517, to Chen et al (Chen), relied upon primarily and secondarily in rejecting all claims. It was pointed out that while Chen, in column 6, lines 21-23, sets out a melt index range of from 1-20g/10min, Chen did not appreciate the advantages associated with maintaining the melt index within the range recited by the Applicant in all claims. In support of this position, experimental data was submitted and discussed.

In response, the Examiner stated on page 5 of the December 4, 2002 Action that the "test data presented . . . cannot be relied upon to demonstrate new and unexpected

37 CFR 1.8

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, on 4-3-03 (Date)

T. Craine  
Signature

T. Craine  
Typed or Printed Name of Person Signing

results because this data has not been presented in proper 37 CFR §1.132 affidavit or declaration form . . ." The Examiner further stated that "[U]pon receipt of a proper 'Rule 132' declaration, the test results will be considered, and the above rejections will be reevaluated."

Applicant is enclosing herewith a Declaration, which presents previously submitted data in proper form under 37 CFR §1.132. It is respectfully requested that the Examiner consider the arguments in Amendment "A", in conjunction with the evidence presented in the attached Declaration of Mr. Urabe, and reevaluate the rejection of all pending claims.

It is respectfully submitted that Chen's disclosure is representative of an exercise commonly practiced by patentees to claim broad ranges in a precautionary manner without appreciating the significance of improved performance in a specific, limited range within that broad range. Mr. Urabe's Declaration supports the fact that substantial effort was expended in experimentation conducted to determine the effect of the melt index on flow characteristics. Through this effort, the claimed melt index was arrived at.

Consideration of Mr. Urabe's Declaration, reconsideration of the rejection of claims 1 and 3-24, and allowance of the case are requested.

Respectfully submitted,

By

  
John S. Mortimer, Reg. No. 30,407

WOOD, PHILLIPS, KATZ,  
CLARK & MORTIMER  
500 W. Madison St., Suite 3800  
Chicago, IL 60661  
(312) 876-1800  
April 3, 2003